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EXAMINER	
BARQADLE, YASIN M	
ART UNIT	PAPER NUMBER
2153	

DATE MAILED: 04/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/475,147	ALONI ET AL.	
	Examiner	Art Unit	
	Yasin M Barqadle	2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *04 February 2003* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-37* is/are pending in the application.

4a) Of the above claim(s) *30* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-29 and 31-37* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

Response to Amendment

1. The Amendment filed 02/04/03 has been entered and made of record.

2. Claims 1,4,6,10,11,12,15 and 26 are amended. Claim 30 is canceled and new claims 31-37 are added.

3. Claims 1-29 and 31-37 are presented for examination and pending in the application.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless -
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the require ments of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference

is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-4, 6-29 and 31-37 are rejected under 35 U.S.C. 102(e) as being anticipated by Skladman et al US (6,400,810).

4. As per claim 1, Skladman et al disclose a system for notifying a subscriber upon an occurrence of an event, the system comprising:

an event-generating system for generating the event [Fig. 1. 12, see Col. 2, lines 22-65];

a notification request sender (Fig. 1, 18) for detecting the occurrence of the event (col. 1, lines 28-32) and for preparing a notification request according to an open network protocol [note: e-mail notice can be sent to the notification server using an internet protocol (IP), in response the notification server transfers the notices over preselected channels using standard protocols Col. 5, lines 5-67]; and

a notification server [Fig. 1, 26] for receiving said notification request from said notification request sender, and for notifying the subscriber of the occurrence of the event, wherein said notification server is not in direct communication with said event generating system [see Fig. 1 and Col. 5, lines 5-42].

5. As per claim 2, Skladman et al teach that the event is a messaging event, and said event-generating system is a messaging system [Col. 1, lines 28-32; Col. 2, lines 22-34].

6. As per claim 3, Skladman et al teach the system of claim 2, wherein said messaging system is selected from the group consisting of e-mail and voice mail [Col. 1, lines 29-51 and Col. 2, lines 22-34].

7. As per claim 4, Skladman et al teach the system of claim 2, wherein said messaging system further comprises an API (application programming interface) for providing an interface for detecting the event by said notification request sender [Col. 5, lines 43-67 and Col. 6, lines 1-33].

8. As per claim 6, Skladman et al teach the system of claim 1, wherein said notification server further comprises:

an open network protocol server for receiving said notification request from said notification request sender [Col. 5, lines 5-67]; and

a notification messaging server for receiving said notification request from said open network protocol server and for notifying the subscriber of the event according to said notification request [Col. 5, lines 5-67].

9. As per claims 7, 8 and 9 Skladman et al is silent about using an open network protocols such as File Transfer protocol (FTP), HTTP (Hyper-text Transfer Protocol) and SMTP (Simple Mail Transfer Protocol) in his system, but substantially talks about sending e-mail notice to a notification server using IP (internet protocol) and in response to email notices transferring the notices over preselected ones of a communication channels using standard protocol (open network protocol) [Col. 5, lines 5-67]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use an open network protocol such as FTP (File Transfer Protocol), HTTP (Hyper-text Transfer Protocol) and SMTP (Simple Mail Transfer Protocol) to have the advantage of using a readily available standard protocols which are application and platform-independent. Thus, the sender and recipient of a message do not need to use the same Web browser, or even the same operating system].

10. As per claim 10, Skladman et al teach the system of claim 9, wherein said notification request sender further comprises:

a notification event detector for detecting the event [col. 1, lines 28-32; Col. 5, lines 5-67]; and

a notification protocol adapter for preparing and transmitting said notification request [Col. 5, lines 5-67 and Col. 6, lines 1-37].

11. As per claim 11, Skladman et al teach the system of claim 10, wherein said notification server further comprises a notification server protocol adapter for receiving said notification request and for determining validity of said notification request, such that if said notification request is valid, said notification server protocol adapter passes information from said notification request to said notification messaging server [Col. 5, lines 5-67 and Col. 6, lines 1-37].

12. As per claim 12, Skladman et al teach the system of claim 1, further comprising a network for connecting said notification request sender to said notification server [Fig. 1].

13. As per claim 13, Skladman et al teach the system of claim 12, wherein said network is the Internet [Col. 4, lines 12-19].

14. As per claim 14, Skladman et al teach the system of claim 13, wherein said event-generating system is an internal messaging system for generating a message event, said internal messaging system notifying said notification server of said message event directly [Fig. 1. Col. 3, lines 14-61].

15. As per claim 15, Skladman et al teach the system of claim 13, wherein said event-generating system further comprises:

an internal messaging system for generating a message event [Fig. 1. Col. 3, lines 14-61]; and

a notification request sender for sending said notification request to said notification server [Fig. 1 and Col. 2, lines 43-67 and Col. 3, lines 1-61].

16. As per claim 16, Skladman et al teach a method for notifying a subscriber upon an occurrence of an event in an event-generating system, the method comprising:
(a) providing a notification server [Fig. 1, 26];
(b) detecting the occurrence of the event at the event-generating system [col. 1, lines 28-32; Col. 5, lines 5-67];
(c) preparing a notification request according to an open network protocol [note: e-mail notice can be sent to the notification server using an internet protocol (IP), in response the notification server transfers the notices over preselected channels using standard protocols Col. 5, lines 5-67].
(d) transmitting said notification request to said notification server [Col. 3, lines 34-47]; and
(e) notifying the subscriber of the occurrence of the event according to said notification request [Col. 5, lines 5-64].

17. As per claim 17, Skladman et al teach the method of claim 16, wherein said open network protocol is HTTP, and (c) further comprises preparing at least one HTTP key value pair for forming the notification message [Col. 5, lines 5-67 also see rejection made on claims 7-9 above].

18. As per claim 18, Skladman et al teach the method of claim 17, wherein said notification server is in communication with at least one associated messaging service for the subscriber, such that (e) is performed by contacting the subscriber through said associated messaging service [Col. 6, lines 1-43].

19. As per claim 19, Skladman et al teach the method of claim 18, wherein (e) further comprises selecting a communication mode for notifying the subscriber [Col. 5, lines 43-67 and Col. 6, lines 1-37].

20. As per claims 20 and 28, Skladman et al teach selecting a time for notifying the subscriber [Col. 5, lines 43-67 and Col. 6, lines 1-37].

21. As per claims 21 and 29, Skladman et al teach where said communication mode and said time are determined according to the preference of the subscriber [Col. 6, lines 1-7].

22. As per claim 22, Skladman et al teach the method of claim 16, further comprising:
(f) sending a first "ack" (acknowledgment) message by said notification server upon receipt of said notification request [TCP/IP (Transmission Control protocol /Internet protocol) as a standard Internet reliable protocol for the transfer of data between two computers uses delivery acknowledgment message from

the network destination node to the source node for providing reliable network node-to-node delivery at the transport network protocol level Col. 5, lines 5-67 and Col. 6, lines 1-43].

23. As per claim 23, Skladman et al teach the method of claim 22, further comprising:
(g) sending a second "ack" message by said notification server upon notification of the subscriber [Col. 5, lines 5-67 and Col. 6, lines 1-43].

24. As per claim 24, Skladman et al teach the method of claim 23, wherein step (a) further comprises providing a notification request sender for detecting the occurrence of the event and for sending said notification request, wherein said notification request sender cannot send an additional notification request until at least said first "ack" message is received [Col. 5, lines 5-67 and Col. 6, lines 1-43].

25. As per claim 25, Skladman et al teach the method of claim 23, wherein said notification request features an identification tag, such that said notification request sender asynchronously sends an additional notification request without waiting for said first "ack" message, such that said first "ack" message includes said identification tag for identifying said notification request associated with said first "ack" message [Col. 5, lines 5-67 and Col. 6, lines 1-43].

26. As per claim 26, Skladman et al teach a method for sending a message to a subscriber by a requesting user, the method comprising:

(a) providing a notification server [Fig. 1, 26];

(b) requesting a notification of the subscriber by the requesting user (Fig. 6), wherein a notification mechanism for notifying the subscriber is determined independently of the manner in which the request user provides the message [Col. 5, lines 19-67 and Col. 6, lines 1-7];

(c) sending said notification to said notification server [Col. 3, lines 34-47];

(d) selecting said notification mechanism for notifying the subscriber by said notification server [Col. 5, lines 43-67 and Col. 6, lines 1-37];and

(e) sending said notification to the subscriber through said notification mechanism by said notification server [Col. 5, lines 19-67 and Col. 6, lines 1-37].

27. As per claim 27, Skladman et al teach the method of claim 26, wherein (d) further comprises the step of selecting a communication mode for notifying the subscriber [Col. 5, lines 43-67 and Col. 6, lines 1-37].

As per claim 31, Skladman et al teach the method of claim 26, wherein the selection of the notification mechanism is based on a

preference of the subscriber [Col. 2, lines 22-53; Col. 4, lines 1-34; Col. 6, lines 1-37].

28. As per claim 32, Skladman et al teach the method of claim 26, wherein the selection of the notification mechanism is based capability of a receiving device associated with the subscriber [Col. 2, lines 22-53; Col. 4, lines 1-34; Col. 6, lines 1-37].

29. As per claim 33, Skladman et al teach the method of claim 1, wherein the notification server selects a notification mechanism for notifying the subscriber based on at least one of a preference of the subscriber and the capability of a receiving device associated with the subscriber [Col. 3, lines 24-67 and Col. 4, lines 1-34; Col. 5, lines 20-67 to col. Col. 6, lines 1-37].

30. As per claims 34, Skladman et al teach selecting a time for notifying the subscriber [Col. 5, lines 43-67 and Col. 6, lines 1-37].

31. As per claims 35, Skladman et al teach wherein the notification server determines whether to notify the subscriber of the occurrence of the event [Col. 5, lines 20-64].

32. As per claims 36, Skladman et al teach wherein the notification server forms a notification message for notifying

the subscriber based on the type of event [Col. 3, lines 24-67 and Col. 4, lines 1-34; Col. 5, lines 20-67 to col. Col. 6, lines 1-37]

33. As per claims 37, Skladman et al teach wherein the notification server forms a notification message for notifying the subscriber based on at least one of a preference of the subscriber and the capability of a receiving device associated with the subscriber [Col. 3, lines 24-67 and Col. 4, lines 1-34; Col. 5, lines 20-67 to col. Col. 6, lines 1-37].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 o f this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Skladman et al US (6,400,810) in view of Shaffer et al US (6,094,681).

As per claim 5, Skladman et al teaches all the limitations in claim 1 as explained above. Skladman et al does not teach a

system where the event is a non-messaging event, and where the event-generating system is a non-messaging system. However, Shaffer et al teach a system where the event is a non-messaging event such as a stock price update event notification, and where the event generating system is a non-messaging system such as a Web Server that sends stock price updates to subscribers [Col.2, lines 38-59]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the event notification system of Shaffer et al with that of Skladman et al to have the flexibility of providing subscribers different event notifications of their choice.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yasin M Barqadle whose telephone number is 703-305-5971. The examiner can normally be reached on 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on 703-305-9717. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-304-3900.

Yasin Barqadle

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